



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

March 10, 2023

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated January 18, 2023 (ECF No. 178).

Since the last report, the undersigned has conducted additional necessary consultations within the Government relating to Defendants’ counter-offer on the issue of fees. Based on those discussions, the undersigned needs to obtain final approvals of a revised counter-offer concept, which has not yet been completed. Given the ongoing nature of these consultations, the parties respectfully and jointly ask the Court’s leave to submit a further status report by April 14, 2023. We thank the Court for its consideration of this request, and the undersigned again thanks the Court and the Plaintiffs for their continued patience in this matter, which is very much appreciated.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for Defendants

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The Court appreciates this update from the parties. The next status update is due April 14, 2023.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
March 14, 2023